UNITED
NATIONS

CCPR

International Covenant
on Civil and
Political Rights

Distr.
GENERAL

CCPR/C/79/Add.32
18 April 1994

Original: FRENCH

HUMAN RIGHTS COMMITTEE
Fiftieth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Comments of the Human Rights Committee

Mexico

1. The Committee considered the third periodic report of Mexico (CCPR/C/76/Add.2) from its 1302nd to 1305th meetings (CCPR/C/SR.1302-1305), held on 28 and 29 March 1994, and adopted 1/ the following comments:

A. Introduction

2. The Committee thanks Mexico for its report and welcomes the appearance of a large high-level delegation before the Committee despite the serious events which recently occurred there. It notes that the report was completed on time and takes into account the questions submitted by Committee members during their consideration of the previous periodic report as well as the general comments of the Committee. The oral presentation, accompanied by extensive documentation, served to update the written report and contributed to a frank and fruitful dialogue with the Committee.

1/ At its 1315th meeting (fiftieth session), held on 6 April 1994.

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3. The Committee thanks the State party for the core document (HRI/CORE/1/Add.12), drafted in accordance with the consolidated guidelines for the initial part of the reports of States parties which must be submitted under the various international human rights instruments (HRI/1991/1).

B. Factors and difficulties affecting the application of the Covenant

4. Socio-economic difficulties and extremely widespread poverty have led to the growing marginalization of a vast portion of the population, in particular street children and members of indigenous groups who, as a result, are denied the protection of the basic rights guaranteed by the Covenant. Moreover, rural populations are isolated because of the remoteness of agrarian zones from decision-making centres and judicial organs, which impedes the realization of human rights throughout Mexican territory.

C. Positive aspects

5. The Committee welcomes with satisfaction the establishment of the National Human Rights Commission responsible for conducting investigations and making recommendations to the Government. The Committee notes the establishment of similar commissions within each of the states of the Union at the local level. These new institutions and the development of human rights legislation which, in particular, prescribes punishment for torture and provides for compensation of victims, reflect progress towards the promotion and protection of human rights in Mexico. The extension of the right to vote to persons who had hitherto been deprived of that right and access to the public service by citizens who are not Mexican nationals by birth are positive developments in ensuring respect for article 25 of the Covenant. Allowing non-governmental organizations the opportunity to visit any part of the country, in particular the sensitive areas, demonstrates the Government's willingness to cooperate with organizations for the defence of human rights.

D. Principal subjects of concern

6. The Committee strongly deplores the events which recently occurred in Chiapas, which resulted in many violations of the rights guaranteed by the Covenant, in particular, in articles 6, 7 and 9 thereof. The Committee notes that, since a state of emergency was not declared in Chiapas in early 1994, the authorities have restricted the rights provided for in the Covenant,particularly in articles 9 and 12, without respecting the guarantees provided for therein.

7. The Committee is disturbed by the large number of complaints concerning acts of torture or arbitrary detention when prosecution and sentencing of the guilty parties occurs very infrequently and falls far short of the recommendations

of the National Human Rights Commission of Mexico, which has condemned these acts. Similarly, enforced or involuntary disappearances and extrajudicial executions are not systematically followed by investigations in which the perpetrators are identified, brought to justice and punished and the victims compensated. Lastly, the conditions in prison and other detention centres and the slowness of judicial procedures continue to be a major cause for concern.

8. As amparo proceedings have proved to be ineffective, immediate release of a person who has been irregularly detained is not fully guaranteed in accordance with article 9 of the Covenant.

9. The Committee deplores the gross violation of both the right to life and the right to freedom of expression constituted by the frequent murder of journalists, which has reached alarming proportions.

10. The Committee is further concerned by the conditions in which the rights provided for in articles 21 and 22 of the Covenant are exercised, as evidenced by the severe repression of peaceful demonstrations by striking workers.

11. The Committee has doubts and concerns about the electoral system and practices and the climate of violence in which the most important elections have taken place. It notes that this situation precludes the full guarantee of free choice by all voters and the participation of all citizens in the conduct of public affairs, in particular through freely chosen representatives, in accordance with article 25 of the Covenant.

12. Lastly, the Committee has expressed concern about the situation of indigenous populations. Article 27 of the Constitution concerning agrarian reform is often implemented to the detriment of persons belonging to such groups. The delay in resolving problems relating to the distribution of land has weakened the confidence of these populations in both local and federal authorities. Moreover, these persons are subject to special laws, particularly in Chiapas, which could create a situation of discrimination within the meaning of article 26 of the Covenant.

E. Suggestions and recommendations

13. The Committee recommends that the State party should provide the National Human Rights Commission with the authority necessary for its effective functioning, in complete independence from the political and administrative authorities, and should allow it to refer cases to the competent judicial authorities where it finds that rights guaranteed by the Covenant have been violated.

14. The Committee strongly recommends that all cases of extrajudicial executions, torture and arbitrary detentions be

investigated in order to bring those suspected of having committed such acts before the courts, that those found guilty be punished, and that the victims be compensated. Law enforcement officials should be properly trained so that ensuring respect for the basic rights of the persons placed under their control becomes an integral part of their task.

16. The Committee suggests to the Mexican authorities that they fully implement article 25 of the Covenant, in particular with regard to elections, by taking legal and practical measures to ensure equitable representation of the entire electorate, and to ensure that the balloting is free from fraud and takes place in an atmosphere of calm essential to the voters' exercise of free choice. To that end, the willingness of the authorities to accept international observers during the balloting would contribute to the transparency of the elections.

17. The Committee invites the authorities actively to pursue programmes for the protection of vulnerable children, particularly street children. Similarly, the progress achieved with regard to the status of women should be developed further and greater efforts should be made to combat family violence.

18. The Committee recommends that the Government should give consideration to more equitable land distribution within the framework of agrarian reform and that it should take into account the rights and aspirations of indigenous populations in that connection. Furthermore, measures for the implementation of article 4 of the Constitution should be considerably strengthened. Indigenous populations should have the opportunity to participate in decision-making on matters that concern them.